MONTANA LEGISLATIVE HISTORY

Chapter 384 19 97

Bill H _____ S 280 Original bill & history ___C

H. Committee on Local Govt			S. Committee on Local Govt		
Hearing Date(s)	Mar 20	✓C	Hearing Date(s)	Feb 11	✓C
	Mar 27	✓C		Feb 18	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

SB 279 INTRODUCED BY CRIPPEN, ET AL. *LC0574 DRAFTER: MALY*

REVISE THE PROVISION ALLOWING THE LANDLORD OF A MOBILE HOME PARK TO TERMINATE A RENTAL AGREEMENT IF A TENANT HAS VIOLATED THE SAME RULE OF THE PARK TWO OR MORE TIMES WITHIN A 12-MONTH PERIOD

2/04	INTRODUCED		
2/04	FIRST READING		
2/04	REFERRED TO JUDICIARY		
2/06	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING DO PASS MOTION FAILED	21	29

SB 280 INTRODUCED BY VAN VALKENBURG, ET AL.

LC0856 DRAFTER: MACMASTER

PROVIDE FOR AN INCREASE IN THE BASE SALARY OF COURT REPORTERS

2/05	INTRODUCED		
2/05	FIRST READING		
2/05	REFERRED TO LOCAL GOVERNMENT		
2/05	FISCAL NOTE REQUESTED		
2/11	HEARING		
2/11	FISCAL NOTE RECEIVED		
2/19	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	41	9
2/24	3RD READING PASSED	42	8
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO LOCAL GOVERNMENT		
3/20	HEARING		
3/27	TABLED IN COMMITTEE		
4/09	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/10	2ND READING CONCURRED AS AMENDED	53	45
4/12	3RD READING CONCURRED	49	45
	RETURNED TO SENATE WITH AMENDMENTS		
4/15	ON MOTION RULES SUSPENDED TO ACCEPT BILL FROM HOUSE AFTER RETURN DEADLINE HAS PASSED	43	7
4/16	2ND READING AMENDMENTS CONCURRED	30	19
4/17	3RD READING CONCURRED AS AMENDED	34	16
4/21	SIGNED BY PRESIDENT		
4/21	SIGNED BY SPEAKER		
4/21	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR CHAPTER NUMBER 384 EFFECTIVE DATE: 10/01/97		

SB 281 INTRODUCED BY STANG, ET AL. *LC1095 DRAFTER: BOHYER*

ALLOW THAT THE FINANCIAL STATEMENT SUBMITTED BY AN APPLICANT FOR A LICENSE OR LICENSE RENEWAL AS AN AGRICULTURAL COMMODITY WAREHOUSE OPERATOR OR BY AN APPLICANT FOR A LICENSE OR LICENSE RENEWAL AS AN AGRICULTURAL COMMODITY DEALER BE PREPARED BY A LICENSED ACCOUNTANT OR ANOTHER COMPARABLE PROFESSIONAL

2/05	INTRODUCED
2/05	FIRST READING
2/05	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
2/05	FISCAL NOTE REQUESTED
2/07	HEARING
2/10	FISCAL NOTE RECEIVED

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0280, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act providing for an increase in the base salary of court reporters; funding the increase by a fee increase.

ASSUMPTIONS:

Judiciary Department:

1. The proposed legislation increases the maximum annual salary for court reporters from $30,000 to $35,000. The salary is set by the judge for whom the reporter works.
2. The District Court Criminal Reimbursement Program (DCCRP), administered by the Supreme Court, pays a portion of court reporters salaries, depending on the proportion of the number of criminal actions to the number of total actions in the court.
3. Based on the current criminal portion of total cases in counties at the current maximum salary allowed compared to this same proportion at the maximum salary proposed in this legislation, the DCCRP expenditures could increase by approximately $50,500 per year. The expenditure is recorded on the Statewide Budgeting and Accounting System (SBAS) in the "grants" category.
4. This legislation increases the amount reimbursed to district courts for court reporters salaries during the year. There is no net effect on total expenditures paid to counties from the DCCRP. After counties are reimbursed for yearly costs, $500,000 is transferred per statute to the Department of Corrections (DOC) for Juvenile Justice. Funds remaining are granted out to counties based on their total expenditures and amounts already reimbursed.
5. The amount of funds paid out during the year for higher court reporter salaries will net against a reduction of funds available to pay out in grants to counties at the end of the fiscal year. The total expenditures are equal, but limited to the amount of funds collected (7% of the 2% vehicle tax).

Department of Commerce/Local Government Assistance Division:

6. There is at least one county or group of counties, and possibly more, whose court reporter is being paid the maximum salary under current law of $30,000.
7. The number of civil cases for which the fees are collected under 25-1-202, MCA, will remain constant.

FISCAL IMPACT:

District Court Criminal Reimbursement Program:

	FY98 Difference	FY99 Difference
Expenditures:		
Grants Reimbursement	50,500	50,500
Grants	(50,500)	(50,500)
Funding:		
General Fund (01)	0	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County expenditures will increase if the district judge for whom the reporter works sets the salary higher under the proposed legislation. The fiscal impact is not readily determinable because of the many variable factors such as the number of criminal actions commencing and whether or not the judge for whom the court reporter works increases the salary.

County revenues from fees paid for civil actions filed in district court will double and will offset a portion of the potential increase in court reporters salaries under the proposed legislation.

Dave Lewis 2-11-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Fred Van Valkenberg 2-12-97

FRED VAN VALKENBERG, PRIMARY SPONSOR DATE

{Tape: 1; Side: B; Approx. Time Count: 3:33 p.m.; Comments: .}

HEARING ON SB 280

Sponsor: **SENATOR FRED VAN VALKENBURG, SD 32, Missoula**

Proponents:

Peter Funk, MT Court Reporters Assoc.
Bob Nieboer, MT Court Reporter Assoc.
Bambi Goodman, MT Court Reporters Assoc.
Russell Hill, MT Trial Lawyers Assoc.

Opponents:

Sheila Cozzie, Lewis and Clark Co.
Mike Mathew, Montana Assoc. of Counties
Gloria Paladichuk, Richland Co.

Opening Statement by Sponsor:

SENATOR FRED VAN VALKENBURG, SD 32, Missoula, presented SB 280. This bill would provide for an increase in the base salary of court reporters. The maximum is currently $30,000 and this bill would raise it to $35,000. There is a funding mechanism in the bill on page 2 section 2 where the fee will be raised from $10 to $20. The maximum salary for court reporters has not been increased since 1991. Court reporters have to deal with inflation plus the demands of increased technology in their profession. Most court reporters now do real time transcripts done on computer that are available immediately.

Proponents' Testimony:

Peter Funk, MT Court Reporters Assoc., spoke in favor of SB 280. He handed out testimony **(EXHIBIT 5).**

{Tape: 1; Side: B; Approx. Time Count: 3:47 p.m.; Comments: .}

Bob Nieboer, MT Court Reporters Assoc. handed out testimony in support of SB 280 **(EXHIBIT 6).**

Bambi Goodman, MT Court Reporters Assoc. rose in support of SB 280 **(EXHIBIT 7).**

Russell Hill, MT Trial Lawyers Assoc., said the fees paid for these salaries will come from the plaintiffs paying their civil fees.

Opponents' Testimony:

Sheila Cozzie, Lewis and Clark Co. opposed SB 280 and said it unfairly increases the salaries of court reporters. Lewis and Clark Co. has an established pay matrix for all employees that is

developed on a competitive market. Court reporters are county employees, they are eligible for all benefits, however their pay is established by the legislature and this causes an internal equity problem. Court reporters traditionally work less than 40 hours per week and at the pleasure of the judge. Lewis and Clark Co. employees have not received the 17 percent increase and have been at a flat rate increase to try and reduce the disparity between upper and lower paid employees. The court reporters will have a 17 percent increase while all other employees will stay at two percent increase. Court reporter jobs are difficult but the raise is unfair to other county employees. It will cost the county $17,500 to cover this increase and she didn't believe the fees would cover the total cost.

Mike Mathew, MACo, opposed SB 280. Court reporters are paid considerably more than other county officials. The district court reimbursement fund does not come back on civil cases so it becomes difficult as to whether this is neutral revenue to every county. The district court fund is in the most critical shape for funding. Counties have had to go to the motor vehicle option tax to offset the cost of the district court fund. These issues need to be dealt with on the local level rather than in statutory.

Gloria Paladichuk, Richland Co., said page 1, line 13 is not accurate as they make thousands of dollars in transcription fees. The county provides the machines, materials, and if the court reporter transcribes anything, the county has to pay $2.00 per original page, $.50 for second copies and $.25 for additional copies. County Commissioners often have to pay claims that are in the thousands of dollars. Often there is not enough money in these small counties and the bill will be paid out of the district court fund or the General Fund.

{Tape: 2; Side: A; Approx. Time Count: 4:09 p.m.; Comments: .}

Questions From Committee Members and Responses:

SENATOR LYNCH asked if transcription was equal or about 50 percent of the salary? **Bambi Goodman** said she grossed $7215.00 in transcript fees.

SENATOR HARGROVE said it is not necessary to pay the maximum increase in this bill but if it is mandated the fee will increase? **SENATOR VAN VALKENBURG** said this was correct. There may be an excess of funds generated by an increase in fees if the maximum salary is not reached for all court reporters.

SENATOR HARGROVE asked if there was any liability in this job. **Bambi Goodman** said they have errors and admissions insurance.

SENATOR HARGROVE asked who pays for that insurance. **Bambi Goodman** said she did.

Closing by Sponsor:

SENATOR VAN VALKENBURG said court reporters have come up with funding ideas that wouldn't hurt the county. Court reporters work hard, they usually cannot transcribe during the work day because they are in the court room everyday so they transcribe during off time. These are employees of the state court system and this is why the legislature has to be involved.

HEARING ON SB 274

Sponsor: **SENATOR FRED THOMAS, SD 31, Stevensville**

Proponents:

Dana Huestis, MT Contractor Assoc.
Millan Foster, United Industry
Jim Gilman, Gilman Construction
Arnie Mohl, MT Contractors Assoc.

Opponents:

Alec Hansen, MT League of Cities and Towns
Jack Lynch, Butte-Silverbow
J.D. LYNCH, SD 19, BUTTE
Tom Hardin, Teton Co.
Bruce Bender, City of Missoula
Kim Milburn, City of Helena
Cheryl Patton, City of Great Falls
Miral Gamradt, City of Bozeman
Vern Peterson, Fergus Co. Commissioner
Sam Gianevancisco, Gallatin Co.
Eric Griffith, Lewis and Clark Co.

Opening Statement by Sponsor:

SENATOR FRED THOMAS, SD 31, Stevensville, presented SB 274. He handed out amendments **(EXHIBIT 8).** He said the purchase of equipment would go to bid if it was over $20,000. If there was a maintenance or construction project over $25,000 it would also go to public bid. Cost effective government is contracting out services that can be done for the least amount of money. In dealing with construction projects there is liability, and passing this on to private companies puts this liability on them rather than the counties. When projects are bid out such as highway department jobs those bids need to comply and the project needs to be done in a timely matter.

Proponents' Testimony:

Dana Huestis, MT Contractors Assoc., spoke in favor of SB 274 **(EXHIBIT 9).**

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...TE LOCAL GOVERNMENT
...BIT NO. 5
DATE 2-11-97
BILL NO. SB 280

MONTANA COURT REPORTERS ASSOCIATION

P.O. Box 1182
Whitefish, MT 59937

Montana District Court Reporters Information Sheet

There are currently 34 court reporters employed by the state District Courts in Montana's 21 Judicial Districts. The District Court reporter's salary is set by state law in Section 3-5-602, MCA. The statute provides that the salary will be set by the judge for whom the reporter works and currently provides for a salary of not less than $23,000 or more than $30,000.

This statute also provides that the salary is payable from the general funds of the county (or counties) which comprise the Judicial District in which the reporter is employed. The state District Court reimbursement program detailed in section 3-5-901, MCA, reimburses counties for a share of the reporter's salary depending on the percentage of criminal vs civil cases filed in the county. In addition, there is a $10 filing fee for all civil cases filed that is dedicated to court reporter's salaries in section 25-1-202, MCA.

Assuming that all District Court reporter's receive the maximum salary provided by law (which is **not** the case, but provides a worst case view of the salary burden) the 56 Montana counties are presently responsible for $1,020,000 in District Court reporter's salary. Approximately $250,000 in state money was provided to counties by the District Court reimbursement program in both 1995 and 1996, which reduces the burden on Montana's 56 counties to $770,000 for reporter's salaries. Approximately 13,000 civil cases were filed in Montana's District Courts in 1994 and 1995 which , due to the statutory filing fee, provides an additional $130,000 to the counties, reducing their total worst case burden to $640,000.

The Montana Court Reporters Association is proposing an increase in the maximum salary allowed under section 3-5-602, MCA from $30,000 a year to $35,000. The salary of District Court reporters was last increased by the 1989 Montana Legislature and this action increased the maximum salary allowed from $23,000 to $30,000. $2000 of the increase was authorized in 1989 and the additional $5,000 was authorized in 1991. The association is also proposing an increase in the filing fee dedicated to their salaries of $10, thus raising the filing fee from $10 to $20.

The $5000 salary increase would result in a worst case increased burden on Montana counties of $170,000. The $10 increase in the filing fee would reduce this burden by $130,000 (13,000 civil cases filed x $10) and the historic 25% reimbursement from the state would reduce this total burden by another $42,500 ($170,000 x 25%), resulting in **no** increased burden on county general funds due to the proposed salary increase. Every District Court reporter in the state could receive a $5,000 increase in salary without any impact on county general funds.

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SENATE LOCAL GOVERNMENT
EXHIBIT NO. 6
DATE 2-11-97
BILL NO. SB 280

Committee Members:

Good morning/afternoon.

I am Bob Nieboer, Registered Professional Reporter and Official Court Reporter for the Eleventh Judicial District Court, Flathead County. I have been a reporter there for just over 34 years. I am here on behalf of the Montana Court Reporters Association speaking in support of Senate Bill 280.

In 1989 (eight years ago) the Montana Court Reporters presented a bill to the legislature requesting a pay increase with a minimum annual salary of $23,000 and a maximum of $30,000; the determination being left to the District Judge for whom the Reporter works to set the amount between those two figures. The bill passed both the Senate and the House but was amended by then Governor Stan Stephens. By negotiations between the Reporters, our lobbyist, members of the Legislature and the Governor, the maximum went to $25,000 for two years and then became $30,000 in 1991.

Since that time the Reporters have not been back to the Legislature for any increase in pay.

We are at this time requesting a pay increase, leaving the minimum at $23,000 and increasing the maximum to $35,000. The District Judge has the authority to set the salary of any individual Reporter between those two figures. As is obvious to us all, the money situation is very tight and the District Judges are not going to ignore the County Commissioners or the voting public when considering what figure should be set for any particular Reporter. Some of the things a Judge will consider will be the experience of the Reporter, the number of years the Reporter has been reporting in Montana, the education and training the reporter has and continues to gain, the ability to use the most up-to-date technologies for the court system.

A Court Reporter, by the use of a Stenographic machine, makes a verbatim record of everything that is said during a court hearing or trial and maintains this record so any party may get a transcript of the court proceedings at any time for appeal purposes or whatever other reason they may have. A Reporter has become qualified for this position by attending a nationally recognized court reporting college, and after completing training through various courses and reaching a speed of 225 words per minute on the Stenograph machine he or she would be able to apply for a position as either an Official Court Reporter or go into the freelance field of reporting.

Beyond the rigorous training and schooling, most Reporters take further examinations to become qualified to work in many states and to become certified as a Registered Professional Reporter or to become certified in a particular state that requires such further training. I am proud to state that most of the Reporters in Montana who are Official Court Reporters are also Registered Professional Reporters, and many have further professional designations attained through experience and training.

The present Reporters use the newest technology to increase their abilities in court and in preparation of transcripts for review. Computers with specialized software to convert from the Stenograph machine to a written transcript are in common use and many of the Reporters are using what is called Realtime and Caseview which is a way for the Judge and attorneys to be able to view the testimony on a computer at the time the witness is testifying. All this requires additional training and many hours of extra work prior to the day's start of testimony. Much of the cost of the computers, software, training and all the extra work is an additional part of being a present-day professional Reporter.

A Court Reporter is the only means to guarantee an accurate review of a District Judge's or Jury's finding in a civil or criminal matter.

Without the legislature setting a salary schedule for the Montana Reporters, no increase in pay has been nor will be able to be given to a Court Reporter. Other county positions and elected officials are given pay increases annually, along with longevity increases; but the Reporters receive no consideration unless set by you as legislators.

Examples of pay differences within Flathead County are as follows:

Salaries:	1991	1996-97	
Court Reporters:	$30,000	$30,000	no increase
County Officials: (Clerk of Court, etc.)	$26.797	$36,016	$9,219 incr.
County Commissioners:	$28,797	$38,016	9,219 incr.

These positions will probably increase again in July at the time any increase received by the reporters would take effect.

From what information I have been able to gather--and believe this to be accurate--the pay for other Court Reporters in the Federal Courts and surrounding states are as follows:

Federal Court Reporters in Montana: $44,500 to $51,200.

Court Reporters in	Wyoming:	$34,400 plus longevity.
	North Dakota:	$26,976 to $40,464 (steps)
	Idaho:	$27,000 to $34,000
	South Dakota:	$25,250 to $37,856
	Montana:	$23,000 to $30,000
Average: (Not including Fed)		$27,325 to $35,344

When our salary was increased eight years ago, the bill included a provision for a $10.00 fee in all civil cases to be collected by the Clerks of Court to be placed in the counties' general funds to offset the pay increase. In Flathead County this has more than paid for the increase the reporters received. If another $10.00 is added to this filing fee the County will not have any additional cost, and at the present number of cases being filed in Flathead County, the general fund will receive more from the filing fee than the Reporters would receive in a pay increase even if given the maximum.

Many of the Judicial Districts in Montana are comprised of several counties. The Reporters in those Districts are paid a percentage of their salary by each of the counties within that District based on the number of cases filed in each county.

The commissioners in Flathead County have given annual pay increases to the office holders and themselves without a method of offset other than increasing taxes. Our bill should not make it necessary to increase county tax bills.

One of the questions that arises in any attempt to increase our salaries is the fact that Court Reporters get paid additional monies for transcripts they prepare for appeals or other purposes. This is true, and this is and has been taken into consideration each time a pay increase is given. The reason for the extra pay for transcripts is because it takes additional work, usually after hours in the evenings or on weekends and additional costs to the Reporter for the equipment and supplies in preparing the transcripts.

In criminal cases where the defendant is able to pay and IN ALL CIVIL CASES the transcripts are paid by the appellant. Only in criminal cases where the defendant is indigent is the county required to pay this fee.
The Reporter receives no pay for overtime work, whether it be for transcription of testimony or other work for the Court such as coming in late in the evening for argument by the attorneys or receiving a verdict.

The amount any individual Reporter may receive from transcripts in any year will vary considerably. As an example, this past year I received from Flathead County for transcripts a total of $120.00.

When you have determined and set our annual salary, it will not take effect until July of this year. We will receive no increase in pay without returning to the legislature for another increase at a future legislative session because we have no means of receiving a cost of living increase.

I am confident that if you allow this bill to pass as drafted, the Judges in the various districts of Montana will set the salary of the individual Reporters based on their abilities, work performance, technology, training and years of service to the Court. There will be no increase for annual inflation, longevity or overtime work unless these items are considered by you in setting the maximum and minimum pay.

I am also confident that if you grant us this salary increase, the Reporters will not return for another increase for at least four years.

Again I want to note that we have had no increase in the maximum salary allowed for six years. It is doubtful that other county, State or Court personnel have been placed in this same situation.

Thank you for your attention and your consideration of Senate Bill 280.

SENATE LOCAL GOVERNMENT
EXHIBIT NO. # 7
DATE 2-11-97
BILL NO. SB 280

Committee Chairman; members of the committee:

Good afternoon.

My name is Bambi Goodman, and I'm an official court reporter for Judge Katherine Curtis in Flathead County District Court.

I would like to take just a few minutes of your time to address Senate Bill 280.

Much of the reporting being provided by official court reporters throughout the State of Montana is realtime with litigation support. Realtime reportintg is the capability by the court reporter to transmit a verbatim transcript to both the judge and counsel, simultaneous to the proceedings being reported. This enables the judge to be more efficient in ruling on objections and motions which might arise, and assist counsel in their examination of witnesses. It can help eliminate the need for the judge and counsel to take notes, thus, focusing attention to the witness testimony and demeanor, exhibits, jurors, and anything else occurring in court.

This current technology, however, does not come without a price tag. And it is the responsibility of the court reporter to address this price tag. As the courts strive to become more efficient, they are, and will be, demanding the best technology available. Court reporting equipment and software is mostly proprietary and is not always available off the shelf. Oftentimes technology mandates that equipment and software be purchased when they are at a premium price, in order to maintain the state-of-the-art sophistication the court system evokes; i.e. Just this past year, 1996, I purchased a new notebook computer with the latest software available so that I could use it in court. That equipment and software cost me $9,650.00. This does not include the purchase of software support, insurance equipment or other necessities to operate. However, for that same year 1996, I earned $7,215.00 in transcript fees. Not to mention the approximately $500. in pro bono work for the year.

As a practical matter, the application of the new technology over the years has required the court reporter's role to change and adapt. No longer does a reporter walk into a courtroom, report a proceeding and leave to await a request for a transcript. With the advent of realtime and litigation support, reporters now must spend additional time setting up equipment (not only their own, but most often that of the judge's); create a job dictionary specific to each and every case reported; many, many times lunch breaks are spent updating and merging job dictionaries as the case goes along to ensure a more accurate translation, thus often eliminating a break from the work atmosphere at all. While these efforts are designed to assist the court and counsel in being more efficient and effective, it has created an increase in both time and energy to the court reporter's daily responsibilities - all without any additional compensation.

You have heard many technical and statistical reasons for passing Senate Bill 280.

On a more personal note, you must understand that court reporting is a profession, a career choice. We as court reporters work tremendously hard as reporters trying to bring to our court system the very best that technology and our skills will provide. We all know how much more demanding the court systems have become. They are overwhelmed with cases and the demand keeps growing. Out court systems must operate with as much efficiency as possible. The court reporter is an integral part of that efficiency. Striving for the utmost professionalism as well as being efficient means working as a partner to the judge, the attorneys and the clerk of courts. While the price tag to maintain this professionalism has been increasing steadily, the official court reporter is the only employee of the system that has not had an increase in compensation for six years; not even a cost of living increase. I don't know of another state, county or court employee who has not had a raise in six years.

I urge you to pass Senate Bill 280 on behalf of the official court reporters in Montana. This is not a luxury. If passed, Senate Bill 280 will go a long way in helping Montana maintain and improve the efficiency of its courts.

Thank You

MONTANA SENATE
1997 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 2-11-97

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK	X		
SHARON ESTRADA	X		
BILL GLASER	X		
DON HARGROVE	X		
J. D. LYNCH	X		
WALT MC NUTT	X		
FRED VAN VALKENBURG	X		
MIKE SPRAGUE, VICE CHAIRMAN	X		
TOM BECK, CHAIRMAN	X		

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CS-09

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Cheryl Patton	City of Great Falls	274		X
Bailey Cozza	Lewis & Clark County	380		
Chris Booth	MRWS	274		X
Nick V. Clos	M.R.W.S.	274		X
Terrie Casey	City of East Helena	274		X
Alec Hansen	League of Cities	2741		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

DATE 2-11-97

SENATE COMMITTEE ON LOCAL GOVT

BILLS BEING HEARD TODAY: SB 280

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Peter Funk	MT CT Reporters Assoc	280	✓	
Bambi Goodman	MT CT Reporters Assoc	280	✓	
Robert NIEBOER	MT CT Reporters Assn.	280	✓	
Gloria Dalachichuk	Richland Co	280		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

Discussion:

CHAIRMAN BECK said if both of the dumpsters in his county are a third full they will dump one into the other so they don't have to make two trips to the dump in Deer Lodge. He said are they going to classify that as a transfer station?

Vote:

MOTION TO DO PASS SB 315 CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 248

Motion/Vote:

SENATOR ESTRADA MOVED SB 248 BE TABLED. MOTION CARRIED 7-1 WITH SENATOR GLASER VOTING NO.

EXECUTIVE ACTION ON SB 261

MOTION/VOTE:

SENATOR ESTRADA MOVED SB 261 BE TABLED. MOTION CARRIED 7-1 WITH SENATOR GLASER VOTING NO.

EXECUTIVE ACTION ON SB 280

Motion:

SENATOR VAN VALKENBURG MOVED SB 280 DO PASS.

Discussion:

SENATOR VAN VALKENBURG said there is a funding mechanism in the bill for a fee on civil actions. These employees have not had any wage increase since 1991 and the only way to get increases is through the legislature.

SENATOR HARGROVE said if the relationships are going to stay stable within the county their wages should not be increased but decided on a local level.

CHAIRMAN BECK asked if they had been outside the system of the county always. **SENATOR VAN VALKENBURG** said they have always been outside the system.

Vote:

MOTION TO DO PASS SB 280 PASSED 5-3 ON A ROLL CALL VOTE.

MONTANA SENATE
1997 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE
ROLL CALL VOTE

DATE 2-18-97 BILL NO. SB 280 NUMBER 1

MOTION: Sen. Van Valkenburg moved SB 280 Do pass

NAME	AYE	NO
DOROTHY ECK	X	
SHARON ESTRADA		X
BILL GLASER	X	
DON HARGROVE		X
J. D. LYNCH	X	
WALT MC NUTT		
FRED VAN VALKENBURG	X	
MIKE SPRAGUE, VICE CHAIRMAN		X
TOM BECK, CHAIRMAN	X	

SEN:1997
wp:rlclvote.man
CS-11

SENATE STANDING COMMITTEE REPORT

February 19, 1997

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill 280 (first reading copy -- white), respectfully report that Senate Bill 280 do pass.

Signed: Senator Tom Beck, Chair

Amd. Coord.
Sec. of Senate

390933SC.STS

Discussion: *{Tape: 1; Side: A; Approx. Time Count: 1.7-12.0; Comments: Rep. Denny suggested a possible study resolution; Gordon Morris clarified the bill that would coordinate probation officers cost of living with other elected officials; Rep. Bookout suggested a consensus amendment.}*

Amendments: Rep. Bookout moved the amendment. Bart Campbell explained the amendment. *{Tape: 1; Side: A; Approx. Time Count: 6.9; Comments: Rep. Kottel explained that the amendment proposed during the hearing allowed the judicial district movement for longevity; Rep. Denny pointed out this could be a disincentive to hire.}*

Motion: Rep. Bergman moved to put the bill on hold so the next hearing could take place.

HEARING ON SB 280

Sponsor: Senator Fred Van Valkenburg, SD 32 *{Tape: 1; Side: A; Approx. Time Count: 12.3-22.2; Comments: raise salary for court reporters; bill provides for funding, not an unfunded mandate for local government; this has a potential for a change to state employment in the long run, whereas court reporters are presently hybrids; discussed historical aspect; justification for increase is the complicated nature of the job, technology and volume, as well as expectation of immediate turn around.}*

Proponents: Peter Funk, Montana Court Reporters Association, **EXHIBIT** 1 *{Tape: 2; Side: A; Approx. Time Count: 22.8-31.1; Comments: showed chart of court reporter's salary.}*

Kim Marchwick, Montana Court Reporters Association, **EXHIBIT** 2, 2a-flyer-Role of Court Reporter *{Tape: 1; Side: A; Approx. Time Count: 32.3-35; Comments: discussed "real time"; expenses of continuing education, production of transcripts at reporter's expense.}*

Melody Jeffries Peters, Jeffries Court Reporting, **EXHIBIT** 3 *{Tape: 1; Side: A; Approx. Time Count: 35.1-39.8; Comments: discussed standards, education, uniqueness of court reporting equipment, expenses covered personally.}*

Doug Christiansen, MCRA, representing rural court reporters-multiple jurisdictions; **EXHIBIT** 4-flyer-Realtime Facts *{Tape: 1; Side: A; Approx. Time Count: 39.9-42.5; Comments: judges ability to make better informed decisions; great costs; continuing education; can't rely on county government for financial expense.}*

Opponents:

Gloria Paladichuk, Richmond County *{Tape: 1; Side: A; Approx. Time Count: 42.7-Side B-1.6; Comments: she objected to court reporters wanting county employment part of the time but not*

wanting county employment at times when it is not a benefit, such as pay freezes; recommended changes to Title 3-5-604 regarding payments to court reporters; she noted that payments of $2 per page was tied to the past in the use of typewriters; computers make the work more efficient; court reporters get paid higher than deputy county attorney.}

Mike Murray, Lewis and Clark County Commissioner *{Tape: 2; Side: A; Approx. Time Count: 1.9-7.5; Comments: unfunded mandate, violates the pay plan; class of employees that should be state employees; county employees come and go as the judge orders them to work; presents a problem for the county.}*

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 7.8-24.5; Comments: Rep. Kottel-expenses vs. revenue gained; Rep. Ewer-approximate supplemental income for transcribing additional court documents-$3,000/yr.; Chairman Mills-court reporters furnish their own equipment, thereby justifying an increase in pay.}

Closing by Sponsor:

Senator Van Valkenburg closed *{Tape: 2; Side: A; Approx. Time Count: 25.5-30.7; Comments: court reporters expend a significant amount of their own money; future expectation of the public; better court reporters will leave government employment and go to the private sector if not compensated adequately; fully funded, not an unfunded mandate.}*

Recommended Rep. Ellingson to carry the bill.

EXECUTIVE ACTION ON SB 51, cont.

Discussion: *{Tape: 2; Side: A; Approx. Time Count: 33.4-Tape 2-B.}*

Amendments: Rep. Bookout called the question on the amendment. The amendment was discussed. Gordon Morris pointed out that Juvenile Probation Officers are under the Judicial Districts where the county pays the salary as compared to adult probation officers or prison guards which are under the state.

Vote: The question was called on the amendment. The motion FAILED 8-10 on a roll call vote.

HEARING ON SB 27

Sponsor: Senator Tom Keating, SD 5 *{Tape: 2; Side: A; Approx. Time Count: 3.2-6; Comments: Allows county to increase money to*

MONTANA
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REPORTERS
ASSOCIATION

3-20-95
280

My name is Kim Marchwick, and I'm an official court reporter in Billings, which is in the 13th Judicial District. In addition to Billings, we also cover three other counties; Big Horn, Carbon, and Stillwater Counties. I am one of five officials there, and I also currently am president of the Montana Court Reporters Association. I was born and raised in Montana, I left to attend court reporting college, and upon my return took a job with the Honorable G. Todd Baugh and have been with him for 2 1/2 years now.

I would briefly like to touch upon court reporting as a profession and the education required to attain the status of a court reporter today. There are currently only 114 accredited court reporting schools in the United States and Canada. These schools run year round and generally take a reporter 24 to 36 months to complete, sometimes longer. The average graduating class is only 25 percent with a 65 to 75% attrition rate. Students are at least required to pass tests at 225 words per minute at 97% accuracy, in addition to an internship, prior to graduating.

After graduation, all reporters are subject to passing certification tests, the first of which is the Registered Professional Reporter, which consists of a written knowledge exam and a skills test dictated at 225 wpm. As you can see in your handout, it is not the easiest task to become licensed as a court reporter and that is only the beginning. There are currently four other levels of certification for court reporters to achieve, including but not limited to, 260 wpm for the RMR. I can happily report that almost all of the court reporters in Montana are certified and working on higher certification levels to maintain their professional position.

After certification, court reporters are required to maintain continuing education points, just as lawyers, doctors, and accountants need to maintain their licenses. Court reporters are required to be "mini-experts" on every subject they encounter and attend many courses and education programs to keep up to date on today's ever-changing world. We also attend these continuing education programs at **our own expense**, and not the expense of our respective counties.

One such education demand has been the introduction of realtime; the ability to almost instantaneously -- within seconds -- view the testimony or court proceedings as they are happening. Montana court reporters have accepted this change and adapted by updating their equipment, getting further training and education, and extending their knowledge to the judges, lawyers, court staff, and hearing-impaired participants and/or jurors and litigants. This "judicial upgrade" has been financially undertaken by the court reporter to keep up with the demands of making our judicial system more effective.

Montana has a lot to be proud of its reporters as a great many of them have been and are providing realtime in the courtrooms and law offices across the state. Montana court reporters have adapted to the computer age, and are keeping abreast of the changes. Currently in Billings, Montana, we

are working on implementing the first complete Computer Integrated Courtroom to keep in compliance with the Americans with Disabilities Act so that a juror that is deaf or hearing-impaired can no longer be turned away from jury duty.

Transcript income is one other factor that I'm sure you will hear about here sometime today. To clear up any misunderstandings any of you may have, yes, we do receive compensation for the production of some transcripts. Our transcript fees are provided for under 3-5-604. Transcript production occurs mainly at night -- after 5 p.m. -- and on weekends. It is not produced with county supplies or equipment but with supplies purchased by the reporter and produced on their own equipment. A similar comparison would be akin to having a second job. It should also be noted that not all transcripts are compensated for.

In closing, I'm here on behalf of not only 33 official court reporters today, but on behalf of our 115-member state association to ask you support the passage of SB-280. We appreciate the fact that you are busy and have many important issues on your agenda, and if we didn't have to be here requesting a raise, we wouldn't be, but this is the only recourse we have in obtaining a raise.

Thank you for your time and consideration of SB-280. Montana's Judicial System will benefit greatly with its passage as court reporters continue to strive to improve their contribution to Our System.

Thank you.

Kim Marchwick, RPR

Becoming a registered professional court reporter is harder than people think
Like lawyers, accountants and other professionals, court reporters must pass an exam (consisting of written knowledge and skills test) to be a licensed professional.
Professions with national testing and licensure examinations:
Field / number of people who took exam (1995)
Lawyer / 72,591
70% passed
Accountant[1] / 43,327
17% passed
Court Reporter / 6,250
28.5% passed
Dental Hygienist / 5,094
93.8% passed
Financial Planner / 2,123
61% passed
[1]First time candidates that passed every section they took. Does not imply they passed CPA exam.
COURT REPORTER EXAM RESULTS
Speed 225
Accuracy 95%
PASSED
SOURCES: National Court Reporters Association in cooperation with The American Dental Association and the National Association of State Boards of Accountancy

A paper published by the
National Court Reporters Association

DATE 3-20
SB 280

THE Role OF THE Court Reporter IN THE Legal System

Introduction

For generations the reporter was known as the "silent man" in the courtroom, the unobtrusive tapper of keys whose job was to preserve verbatim what people said during a proceeding.

Today, the "silent man" is almost 90 percent likely to be a woman, which alone introduces new possibilities for the way the profession is perceived. And while silence may still be a prevailing trait, many other aspects of the job have changed besides the gender of most of its practitioners.

Reporters have been technology leaders in the legal system for the past decade and more. Commercial use of computer-aided transcription, or CAT, is more than 20 years old. As far back as ten years ago a majority of reporters already were using CAT to capture the spoken

The National Court Reporters Association
8224 Old Courthouse Road
Vienna, Virginia 22182

word in a computer-compatible format that could be searched for keywords and phrases, entered into litigation support data bases and telecommunicated. Reporters were computerized long before most of the court systems and attorneys they serve.

Technology has presented reporters and their customers with a whole new range of services in addition to basic transcript production. Compressed transcripts, indexes and concordances, realtime, and imaging have been added to the reporter's repertoire. Some of these activities involve doing old things in new ways. But another part of the emerging role of reporters consists of doing new things. This realization has led reporters to begin rethinking what they do and what services they provide.

What a reporter really does

Reporters are experts at gathering information and preserving it in formats that are quickly accessible and readily usable. They are transmodalists, capturing thought as expressed by ephemeral speech and converting it into text that can be read, searched and studied.

Most reporters apply this skill in a law-related setting — in court or a deposition — and they have harnessed technology to do so in new and innovative ways. For example, reporters may provide uncertified notes at the end of a day's proceeding to help counsel prepare for the next day. Other reporters have adapted technology and their skills to such uses as providing instant voice-to-text for meetings and live television programs for the benefit of persons with impaired hearing, a service known as captioning.

In 1992-93, Hay Management Consultants, under a grant from the National Court Reporters Foundation, analyzed the work of the entry-level official court reporter and compared it to the skill and complexity of such jobs as computer programmer, accountant and nurse. The Hay study went on to make a point that many reporters failed to notice about their work: Although virtually all court systems have one title — court reporter — and make pay distinctions only for longevity, in fact the universe of court reporters can be divided along distinct classifications. The Hay study identified four separate job levels:

1. The entry-level reporter who is able to take and transcribe the record under supervision;

2. The skilled reporter who has the speed and knowledge to take complex cases accurately;

3. The experienced reporter who is able to assist court officials to organize and use information in the record;

4. The seasoned reporter who is able to use information in the record and personal experience in the courtroom to assist and advise court officials, including judges.

Reporters are experts at gathering information and preserving it in formats that are quickly accessible and readily usable . . . capturing thought as expressed by ephemeral speech and converting it into text that can be read, searched and studied.

Hay also identified four end results that all reporters are responsible for:

- A verbatim shorthand record of legal proceedings;
- Accurate transcripts of proceedings in the format directed by the court;
- Timely distribution of the official transcript to the court and other interested parties;
- Careful maintenance of files and records.

Hay also identified additional end results for which reporters would become responsible, as they move up the ladder of skill and experience:

- Accurate realtime captioning of the record in courtrooms that are equipped with computer monitors;
- Application of computer technology to code and cross-reference the official record;
- Assistance to end users to obtain specific references from the record;
- Instruction and guidance in the use of computer equipment and software programs to access information from the official record;
- Assistance to the judge and counsel regarding administrative and procedural matters.

Although the Hay study focused on official court reporters, the analysis also pertains to freelance reporters, who provide comparable end results in deposition settings for attorneys and their support professionals.

The hidden nature of a reporter's work

The job of court reporter actually consists of two jobs. There is the part most law-related professionals are familiar with, which consists of taking down what people say in a deposition or a trial. The other part of the job is hidden: It's the part that begins when the attorney says to the reporter, "I'd like a copy of the transcript." By the agreed-on date, the transcript is delivered. But what happens in between? Here is a synopsis of the steps that go into producing a transcript.

1. Translation. This refers to converting stenotype notes into text. Before the advent of computer-aided transcription, translation took place in the brain of the transcriber as he or she dictated from shorthand notes for later typing, or typed directly from the notes. With CAT, translation is performed by a computer program.

2. Editing. After the notes are translated, the reporter or employee of the reporter (often, a scopist) reviews the translation for completeness. If a stenotype note does not have a

match in the reporter's CAT dictionary during the translation process, it will appear on the computer screen in stenotype form. The reporter or scopist updates the reporter's dictionary to include these untranslated words and other problems such as mistranslates, where the computer program selects a wrong form of a word.

The job of the court reporter actually consists of two jobs . . . taking down what people say in a deposition or a trial. The other part of the job is hidden. It's the part that begins when the attorney says to the reporter, "I'd like a copy of the transcript."

3. Research. An important part of creating an accurate transcript is researching items that are ambiguous. This includes spellings of names that were not obtained at the time the record was made; citations; unfamiliar or technical terms, which in many fields of specialty are similarly spelled and pronounced but have vastly different meanings; and other specific references that need to be clarified.

4. Printing. With the translation and research completed, the reporter or scopist prints a draft of the transcript.

5. Proofing. Careful, thoughtful and thorough proofing is an indispensable quality control step. Most reporters do all their own proofing; some hire professional proofers for the first proofing and then do a final proofing themselves.

6. Correcting. Any problems discovered by proofing are fixed before the transcript is printed in final form.

7. Producing indexes and concordances. These ancillary products are made available by the computerization of the reporting process, and they are becoming increasingly popular with growing numbers of attorneys.

8. Duplicating, collating and binding. The reporter at this point becomes a publisher, reproducing and assembling the needed number of copies of the transcript and placing the document in a durable binder.

9. Certification. To be filed with a motion or an appeal, the transcript in most jurisdictions must be certified as being complete, true and accurate. Certification is backed by reputation and, in many jurisdictions, the reporter's license, and it guards against multiple versions of the proceedings from entering circulation.

10. Delivery/filing. This final step may include using a local courier or overnight delivery service.

As mentioned, the Hay Management Consultants identified several activities engaged in by reporters that contribute to distinctions among the job levels of different reporters. Many of these administrative or management responsibilities support the specific steps in the transcription process discussed above. They include:

- Hiring and training of new reporters and support personnel. Reporters often employ support personnel to help them with transcript and office tasks. Freelance reporting agencies are most obviously involved in this sort of management activity; but official court reporters also may hire scopists to assist with producing transcripts.
- Purchasing equipment and supplies. Work space, equipment and supplies all cost money and require attention to maintain. Reporters especially need to monitor the constant changes to computers and the specialized programs that reporters use.
- Balancing workloads. To properly produce a certified transcript, the reporter spends a significant amount of time outside of court or the deposition room for each hour the proceeding lasts. And it is not unusual — in fact it is normal — for a reporter to have no transcript orders pending for a period of time and then get three orders in two days. The uneven flow of transcript requests regularly challenges a reporter's ability to prioritize, and often disrupts both business and personal plans on short notice.
- Financial recordkeeping. The job of providing transcripts is like any other small business operation. Freelance reporters and official court reporters handle deposits, invoicing and collections; track their income and expenses for equipment, support staff, etc.; and file quarterly income tax returns on their transcript income.

Conclusion

Technology has created new applications, such as television captioning, for reporting skills, but most court reporters continue to work in the legal system as either official reporters in court or as deposition reporters. The nature of their job does not permit the same style or degree of interaction that other law-related professions have, which has led to misperceptions of what the reporter's job entails. The purpose of this paper has been to explore what reporters do, in the hope that it will lead to a better understanding of their work and, thus, enhance their working relationships with members of other law-related professions.

3
DATE 3-20-97
SB 280

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Thank you for the opportunity to share with you the technological advances being made in the courtroom and the corresponding expenses that have to be met in order to achieve the successes and efficiencies that we are seeing.

As was mentioned, my name is Melody Jeffries Peters. I own Jeffries Court Reporting, the largest firm in the state, with reporters in Hamilton, Missoula, Stevensville and Arlee. We are charged with the responsibility of reporting for Judge Jeffrey Langton in Hamilton, the 21st Judicial District, on a daily basis.

In order for you to enact sound and fiscally responsible legislation, you need to have the background information to enable you to make an informed and intelligent decision. My objective today is to provide you with the data and statistics so that you can see the merit in passing SB280.

The difficulty of becoming a court reporter is borne out in the statistics. 90 percent of the individuals who attempt a career in court reporting are met squarely in the face with defeat. A mere 10 percent of all students achieve the 225 words a minute standard required to graduate, and graduating is just the beginning of a reporter's educational experience.

Like lawyers, certified reporters in Montana are required, mandated on a national level, to maintain continuing education credits, meeting 30 credits in three years in five subject areas. Not even our highly respected

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physicians in Montana are held to a standard of that magnitude.

Last year I attended seminars in Bozeman and Helena, passed testing in San Francisco and participated in an Internet Satellite Downlink class at the College of Technology. I also attended an Internet Education Class at the University of Montana. I have all of these expenses, including motel, meals, registration fees, testing fees, airfare, parking, texts and reference materials -- all of which I personally paid for -- outlined in my handout.

Similarly, every reporter in my office last year attended continuing education seminars or testing events, covering all expenses personally. I have a brief summary of their major technology expenses. Let me emphasize that this list includes only the hardware and software components.

The education leads us to the technology aspect that I'd like to address. The court reporting software language is a unique animal. Basically, there are three major companies vying for the market of one hundred twenty-some reporters in Montana. We are a captive audience. Consequently, my software package costs $6,995... $7,000. That expense will be repeated at least every three to five years.

My hardware, my Compaq notebook, was $2,798. My Hewlett Packard laser printer was $1900. So the cost of the third system I have invested in is $11,693. That is just the initial startup expenses.

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This year alone I purchased an internal modem, additional cables, upgraded RAM, random access memory, in both of my computers and upgraded memory in my printer. That cost $876.

I was required to initialize my IO socket card, modify my autoexec.bat and config.sys files and configure my input ports, output ports and com ports. Sound confusing and complicated? I feel the same way. That necessitates carrying software support. Support costs $425 for software and $280 for my writer a year. Without a software contract, the going rate is $25 every 15 minutes, a hundred dollars an hour.

What's this technology mean? Our judges have immediate access to court proceedings. They are on-line, computer-integrated, using the same equipment and software that many of you saw in the O.J. Simpson case. This technology keeps us in compliance with the Americans with Disabilities Act. I've hooked my notebook up to an LCD panel, Liquid Crystal Display unit, and projected it onto a screen for MTAP and SHHH meetings, assisting the deaf community.

This technology allows the judges to flag the record during testimony, which saves them from going back later and manually retrieving this material, enabling them to issue their decisions in the most timely fashion. We all know that time is money. Justice delayed is justice denied.

Montana court reporters exercise a continued commitment to

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excellence and the benefits reach the judiciary, the Bar, the litigants and the deaf community, as well as the public at large. Montana has always been committed to adequate funding of the courts and judiciary. I urge you to continue that commitment. The people of Montana deserve nothing less.

EXHIBITS IN SUPPORT OF SENATE BILL 280

Court Reporters' Technological Expenses

Lisa McNulty: 1996

$2,800.00 - Toshiba laptop Computer
2,500.00 - Premier Power software
70.00 - Modem
1,600.00 - Desk-top computer
65.00 - Printer roller
$7,035.00 - TOTAL

Kami S. Olberding: Fall 1995 - 1996

$12,000.00 - TOTAL
Premier Power software, IO Socket Card, Hewlett Packard Printer, Compaq laptop computer, Toshiba laptop computer

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Debi Meredith: 1996

$4,762.00 - TOTAL
Two Toshiba laptop computers, Cheetah software support, computer maintenance

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Heather Ferguson: 1996

$3,200.00 - Steno Machine
3,500.00 - Premier Power software
450.00 - Hewlett Packard Printer
$7,150.00 - TOTAL

Kelly Pierce: Initial purchase costs

$4,500.00 - Stentura 8000
2,000.00 - Laptop computer
5,000.00 - Cheetah software
900.00 - Texas Instruments printer
375.00 - Fax machine
$12,775.00 - TOTAL

Tom Sapp: 1995 - 1996

$1,850.00 - IBM laptop computer
350.00 - Fax
180.00 - IO Socket Card
$2,380.00 - TOTAL

Office Supplies:

1/3/96	Quill - toner	$187.50
2/22/96	Costco - Word Perfect 6.1, Windows95	242.62
3/25/96	Computerland - cable	10.00
5/2/96	Stenograph - disks	5.10
		$445.22

Reference Materials:

7/22/96	US West	**$60.09**

Repairs:

5/13/96	Emery - office computer	$220.00
8/14/96	Hudson's - laser printer	83.74
3/12/97	Hudson's - annual maintenance	341.26
		$645.00

Supplies: Reference Materials

6/19/96	Costco - books	$277.91
7/27/96	Hallmark - books	42.35
9/6/96	Barnes & Noble - books	38.85
		$359.11

Travel: Business Related

4/12/96	MBNA	$214.85
4/15/96	Travel Reimbursement - CRR San Francisco	189.93
		$404.78

Miscellaneous:

12/18/96	Montana Department of Labor - IC exemption	**$25.00**

TOTALS: $9,069.07

4/16/96	Adult Ed. - Satellite Downlink class	30.00
5/14/96	U of M - Internet class	39.00
5/24/96	Sally Murray - QuickBooks class	75.00
5/29/96	NCRA - book	21.95
7/15/96	Costco - book	13.32
9/6/96	Barnes & Noble - book	6.25
9/15/96	MBNA	39.35
10/14/96	MBNA	74.60
12/16/96	Adult Ed.	9.00
1/30/97	Barnes & Noble - Ref. books	89.19
2/8/97	U of M	34.25
		$1,216.76

Insurance: Business

3/11/96	State Farm Insurance	$18.00
9/30/96	State Farm Insurance	200.00
		$218.00

Legal, Accounting & Prof. Fees: Business Related

2/12/96	City of Missoula - business license	$30.00
5/24/96	Harris-Larson - training	63.95
		$93.95

Motels: Business Related

3/24/96	Holiday Inn- Bozeman	$18.89
4/12/96	MBNA - Helena	76.63
5/16/97	Sharon Gaughan - CRR San Francisco	152.18
		$247.70

Office Expenses:

2/22/96	Costco - Word Perfect 6.1, Windows95	$41.24
5/2/96	Internet Connect	44.90
5/30/96	Internet Connect	19.95
7/9/96	Internet Connect	59.90
7/15/97	Verbatim Specialties	18.35
8/5/96	Internet Connect	29.95
8/7/96	Verbatim Specialties	68.00
8/18/96	Costco - Batteries	62.67
9/16/96	Best - Tape Recorder	40.94
11/4/96	Internet Connect	59.90
12/5/96	Internet Connect	29.95
1/7/97	Internet Connect	29.95
2/6/97	Internet Connect	29.95
3/5/97	Internet Connect	29.95
		$565.60

Melody Jeffries Peters: 1996 - 1997

Equipment:

2/22/96	Costco - software, WP 6.1, Windows95	$167.98
3/18/96	Costco - Hewlett Packard Printer	449.99
8/27/96	Costco - Hewlett Packard Printer	1,249.99
		$1,867.96

Fed & State Tax:

6/3/96	Missoula County Treasurer - Bus. Prop. Tax	$474.06
9/2/96	Missoula County Treasurer - Bus. Prop. Tax	6.77
		$480.83

Computer Expense:

9/15/96	MBNA - software support	$30.00
9/23/96	Stenograph - writer maintenance	280.00
10/14/96	MBNA	134.80
10/18/96	Stenograph - support	425.00
10/29/96	Dale Harris - internal modem	678.95
11/10/06	MBNA	141.40
12/4/96	Stenograph - disks	10.00
12/12/96	MBNA	52.92
2/28/97	MBNA - support calls	174.00
		$1,927.07

Contributions: Business Related

4/24/96	Missoula Legal Secretaries Assoc.	**$50.00**

Dues & Subscriptions:

2/19/96	MCRA - Montana Court Reporters Assoc.	$75.00
2/22/96	Costco - Dues	60.00
3/23/96	MCRA - book	15.00
10/15/96	NCRA - books	150.00
12/16/96	Missoulian	87.00
2/10/97	MCRA - 97 dues	75.00
		$462.00

Education: - Business Related

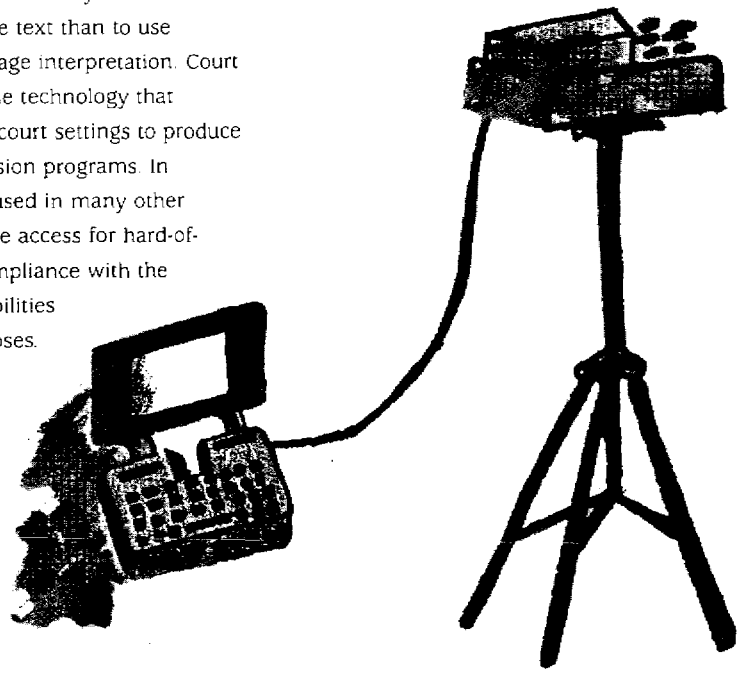
1/6/97	Adult Ed - Windows 3.1 class	$225.00
2/5/97	Adult Ed. - Word Perfect Book - Texts	26.00
2/23/96	Carol Hendrickson - Convention	16.00
2/23/96	Carol Hendrickson - Convention	59.65
3/6/96	MCRA - Bozeman Realtime Seminar	150.00
4/12/96	MBNA	125.00
4/12/97	MBNA	183.20

Expense Categories NOT Addressed:

Home Telephone: Business Related
Proofreading
Advertising
Auto Expenses
Legal, Accounting & Professional Fees
Licences and Permits
Miscellaneous:
    Photocopying
    Postage & Delivery
Small Office Equipment
Parking
Supplies:
    Toner, Copy paper, Cartridges, etc.

Realtime and the ADA

Realtime technology has proven helpful for deaf and hard-of-hearing individuals both in and out of court. Most of the more than 20 million deaf and hard-of-hearing people in the United States developed hearing loss after acquiring language skills. Many of them find it easier to read realtime text than to use American Sign Language interpretation. Court reporters use the same technology that produces realtime in court settings to produce live captions of television programs. In addition, realtime is used in many other applications to provide access for hard-of-hearing people in compliance with the Americans with Disabilities Act or for other purposes.



FOR MORE INFORMATION

- National Court Reporters Association, 8224 Old Courthouse Road, Vienna, VA 22182; telephone 800-272-6272; www.verbatimreporters.com

- Computer-Aided Transcription: Current Technology and Court Applications, by William E. Hewitt with Jill Berman Levy; National Center for State Courts, 1994.

- "Computer Integrated Courts: Plans and Analyses from Exploration to Evaluation," an interactive diskette; National Court Reporters Foundation, 8224 Old Courthouse Road, Vienna, VA 22182.

NATIONAL COURT REPORTERS ASSOCIATION NCRA

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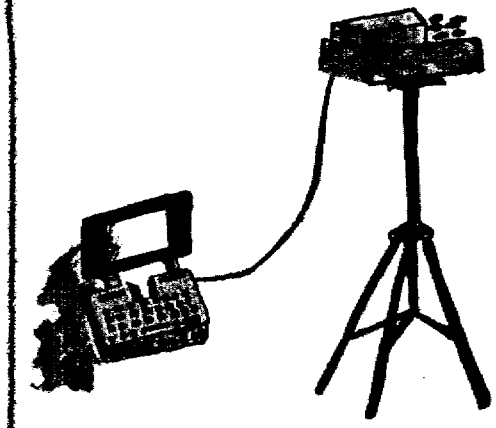
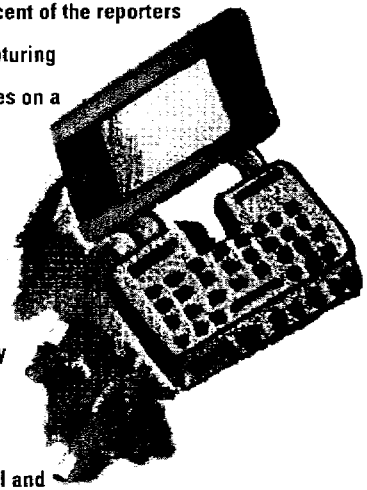
D... 3-20-97
SB... 280

Realtime FACTS



BACKGROUND INFORMATION ABOUT THE COURT REPORTER TECHNOLOGY THAT PROVIDES VIRTUALLY INSTANT DIGITAL AND HARD-COPY ACCESS TO TESTIMONY

For more than a decade, court reporters have helped move the justice system into the computer age with computer-aided transcription, or CAT, now used by more than 90 percent of the reporters in the U.S. By capturing stenographic notes on a computer disk, reporters turn the traditional record of proceedings into a working tool that is readily accessible, searchable and usable by counsel and the Court.



Realtime takes the process a step further by allowing virtually instant access to the text of the proceedings. The court reporter's stenographic notes are converted into English text and displayed on computer monitors or large projection screens placed around the courtroom. This ability is the springboard for several exciting and currently available possibilities:

- During the trial, the judge and attorneys can review and mark portions of testimony and make notes within the transcript on their computer screens without interrupting the proceedings.

- They can perform searches for specific words, phrases, roots of words and other more complicated information in one or more documents simultaneously.

- Searches through a file can be made forward or backward, or the search can be set to tag or highlight certain words as the trial proceeds.

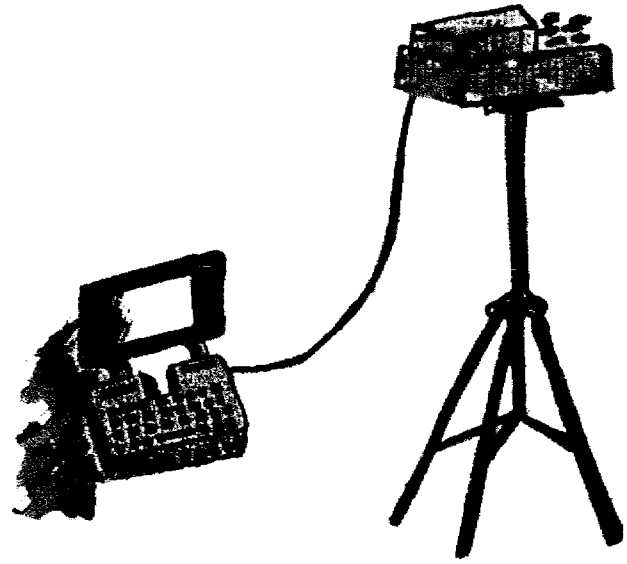
- Some realtime-based programs allow participants to organize marked testimony. This feature enables them to get more accurate notes than a pad and pencil would allow. In addition, with a cut-and-paste feature, individual notes taken from the court reporter's transcript can be put together on screen or in a printed report.

In-court computerization opens a world of research capabilities. Attorneys and judges can call up depositions to compare with current testimony. CD-ROM technology enables attorneys to bring volumes of legal research into the courtroom on a thin disk. In addition, attorneys can send the trial proceedings off-site, access online legal research programs or communicate with co-counsel and consult expert witnesses off site.

While this technology is now regularly used in "headline trials," realtime is not just for the big cases. An instantly available, digital transcript can benefit participants in almost any case. Using laptop computers, a quick realtime set-up can be installed in any courtroom, deposition room or other location if the equipment is available and the court reporter has a realtime system.

Through realtime technology, court reporters can print rough transcripts of testimony or copy them in ASCII format onto floppy disks for attorneys and judges during breaks in the trial. It is possible for an unofficial version of the day's proceedings to be available in either printed text or on disk at the end of the day, and a certified copy can be delivered before the start of court the next morning.

In addition, realtime technology can be used to synchronize video with computerized court reporting. Stenographic text of the proceedings taken down by the court reporter is translated by realtime and integrated with a simultaneously created videotape so that the text of the testimony appears on the screen with the video record of courtroom events. An internal clock in the video camera or VCR is synchronized with the court reporter's computer to ensure that the video and text records of trial proceedings match. This allows a specific portion of the video record to be found by searching the text record, which is a much more efficient and thorough method than a video-only search.



HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 3-20-97

NAME	PRESENT	ABSENT	EXCUSED
Rep. Norm Mills, Chairman			
Rep. Chris Ahner		X	
Rep. David Ewer			
Rep. Ellen Bergman			
Rep. Sylvia Bookout-Reinicke			
Rep. Matt Brainard			
Rep. Bill Carey			
Rep. Matt Denny			
Rep. Charles R. Devaney			
Rep. Tim Dowell			
Rep. Jon Ellingson			
Rep. Antoinette R. Hagener			
Rep. Sam Kitzenberg		X	
Rep. Deb Kottel			
Rep. Bob Lawson			
Rep. Linda McCulloch			
Rep. Daniel W. McGee			
Rep. Wes Prouse			
Rep. Liz Smith			
Rep. Loren L. Soft			

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

House Local Government COMMITTEE BILL NO. _____

DATE 3-30-97 SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Peter Funk	MT Court Reporters Ass	SB 280		✓
Gordon Morris	MACO	SB27		X
Kim Marchwick	MCRA	SB280		✓
Melody Jeffries Peters	MCRA	SB280		✓
Penny Doig - Martin	MCRA	SB280		✓
Vickie Pratt	MCRA	SB 280		✓
Doug Christensen	MCRA	SB 280		✓
Tom Sapp	MCRA	280		✓
Mike McKinney	Lic Co		~~~	
Reid Cobban	Lewis & Clark County	780	X	
Charles R. Brooks	Yellowstone Ct	SB27		X
Gloria Paladichuk	Richard Develop.	SB 280	X	
Timothy Thane	myself	SB 280	[redacted]	X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON SB 27

Motion: Rep. Ahner moved DO CONCUR SB 27.

Discussion: *{Tape: 1; Side: A; Approx. Time Count: 1.7-5.3; Comments: Rep. Brainard said the county would incur debt without an election.}*

Motion: Rep. Brainard moved to TABLE.

Discussion: Rep. Carey said this was an opportunity to borrow at 4% through the Intercap Finance Program which would benefit the citizens.

Vote: The question was called. The motion to Table FAILED 10-8.

Motion: Rep. Ahner moved DO CONCUR.

Discussion: Rep. Denny remarked that the example of Missoula County paying out big money for a computer system was a major decision and therefore he was against the bill. Rep. Brainard said there was no reason the county couldn't bond, this was another way of getting around I105 without the okay of the people. Rep. Hagener noted that inflation applied to the county and they needed more leeway for decision making.

Vote: The question was called. The motion PASSED 9-8.

EXECUTIVE ACTION ON SB 280

Amendments: *{Tape: 1; Side: A; Approx. Time Count: 13.2-18.1; Comments: Rep. Kottel discussed the good salary of court reporters, plus a monopoly of the type of work they do. She said they receive a royalty plus enjoy a system of salary plus court reporters are treated as independent contractors. She suggested the bill be tabled until the court reporter association and MACO can straighten out the dual system. Rep. Kottel suggested an amendment that the court reporters provide the county transcripts free until it equals 1/2 of their salary. She noted that reporters are paid a salary but they could do extra work while they were being paid. No other county employee has this type of contractual situation and it should be straightened out.}*

Discussion: Rep. Ellingson commented that court reporters were not compensated for their equipment expenses. It was their responsibility to provide the equipment and tools of their trade in order to serve the public. He said the same issue came up in the 1989 Session and concluded there was advantages and disadvantages but the maximum salary would be $30,000.

Motion: Rep. Kottel moved to TABLE SB 280.

Discussion: Rep. Hagener read a letter regarding raises. She commented that this appeared to be an unfunded mandate. She noted that this would be disruptive to raise one salary and not others. Rep. Bookout noted that if there were a county salary freeze it would not be right for court reporters to be earning extra money while working at the county. Rep. Denny said this was an area of government that should be privatized.

Vote: The question was called. The motion to TABLE SB 280 PASSED 10-8 on a roll call vote.

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE

DATE 3-22-97 BILL NO. SB280 NUMBER

MOTION: Rep Kottel - Table
Passed Tabled

NAME	AYE 10	NO 8
Rep. Norm Mills		✓
Rep. Chris Ahner		✓
Rep. David Ewer		
Rep. Ellen Bergman	✓	
Rep. Sylvia Bookout-Reinicke		✓
Rep. Matt Brainard	✓	
Rep. Bill Carey		✓
Rep. Matt Denny	✓	
Rep. Charles R. Devaney		✓
Rep. Tim Dowell		
Rep. Jon Ellingson		✓
Rep. Antoinette R. Hagener	✓	
Rep. Sam Kitzenberg		✓
Rep. Deb Kottel	✓	
Rep. Bob Lawson	✓	
Rep. Linda McCulloch		✓
Rep. Daniel W. McGee	✓	
Rep. Wes Prouse	✓	
Rep. Liz Smith	✓	
Rep. Loren L. Soft	✓	

Amendments to Senate Bill No. 280
Third Reading Copy

Requested by Representative Kottel
For the Committee on Local Government

Prepared by Bart Campbell
March 25, 1997

1. Title, line 5.
Following: "INCREASE;"
Insert: "PROVIDING FOR THE PAYMENT FOR TRANSCRIPTS BY A COUNTY ATTORNEY IN CIVIL CASES;"
Following: "3-5-602"
Insert: ", 3-5-604,"

2. Page 2, following line 1.
Insert: "

Section 2. Section 3-5-604, "MCA, is amended to read:

"**3-5-604. Transcript of proceedings.** (1) Each reporter ~~must~~ shall furnish, upon request, with all reasonable diligence, to a party or ~~his~~ the party's attorney in a case in which ~~he~~ the reporter has attended the trial or hearing a transcript from ~~his~~ the reporter's stenographic notes of the testimony and proceedings of the trial or hearing or a part ~~thereof~~ of the transcript, upon payment by the person requiring the ~~same~~ transcript of $2 per page for the original transcript, 50 cents per page for the first copy, and 25 cents per page for each additional copy.

(2) If the county attorney, attorney general, or judge requires a transcript in a criminal case, the reporter is entitled to ~~his~~ fees ~~therefor~~ for the transcript, but ~~he must~~ the reporter is required to furnish it. Upon furnishing ~~it~~ the transcript, ~~he~~ the reporter ~~shall~~ must receive a certificate for the sum to which ~~he~~ the reporter is entitled. The reporter shall submit the certificate to the supreme court administrator who, in accordance with 3-5-902, is responsible for the prompt payment of all or a portion of the amount due the reporter. If the state, in accordance with 3-5-902, pays none or only a portion of the amount due, the county shall pay the balance upon receipt of a statement from the reporter.

(3) If the judge requires a copy of a transcript in a civil case to assist ~~him~~ in rendering a decision, the reporter ~~must~~ shall furnish the ~~same~~ transcript without charge ~~therefor~~. Except as provided in subsection (5), in ~~In~~ civil cases, all transcripts required by the county ~~shall~~ must be furnished, and only the reporter's actual costs of preparation may be paid by the county.

(4) If it appears to the judge that a defendant in a criminal case is unable to pay for a transcript, it ~~shall~~ must be furnished to ~~him~~ the defendant and paid for by the state in the manner provided in subsection (2) to the extent funds are available. The county shall pay the remainder as required in 3-5-

901.

(5) If a county attorney requires a transcript in a civil case, the reporter shall furnish the transcript without charge, but the reporter is entitled to submit a certificate to the district court verifying the cost of the transcript. A county attorney is not required to pay for any transcript in a civil case until the certificates submitted by a reporter pursuant to this subsection equal one-half of the reporter's annual salary. After the certificates equal one-half of the reporter's annual salary, the county attorney is required to pay for subsequent transcripts that the county attorney requests."

Renumber: subsequent section